

Memorandum 2009-23

2009 Legislative Program: Status of Bills

The attached chart indicates the status of the Commission's 2009 legislative program. Noteworthy developments are discussed below. The staff will update this report orally at the meeting.

ACR 49 (EVANS): RESOLUTION OF AUTHORITY

The Commission's resolution of authority has been introduced as Assembly Concurrent Resolution 49 by Assembly Member Noreen Evans. At the Commission's request, the resolution would delete the Commission's authority to study offers of compromise. See Minutes (October 2008), p. 3.

The Assembly Committee on Judiciary amended the bill on May 19, 2009, to add the following new study authority:

Resolved, That the Legislature approves for study by the California Law Revision Commission the new topic listed below:

Analysis of the legal and policy implications of treating a charter school as a public entity for the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code. In conducting this analysis, the California Law Revision Commission shall not make any recommendation on whether a charter school should be treated as a public entity for the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code...

SB 105 (HARMAN): DONATIVE TRANSFER RESTRICTIONS

Senate Bill 105 has been introduced by Senator Tom Harman to effectuate the Commission's recommendation on *Donative Transfer Restrictions*, 38 Cal. L. Revision Comm'n Reports 107 (2008).

On June 1, 2009, the California Judges Association contacted Senator Harman to indicate that it has serious concerns about the bill and to request that the bill

be made into a two-year bill to provide more time to address their concerns. Senator Harman agreed to do so.

SB 105 also includes language to correct cross-references to the former no contest clause statute, which was repealed by SB 1264 (Harman) in 2008. See the Commission's recommendation on *Revision of No Contest Clause Statute: Conforming Revisions*, 38 Cal. L. Revision Comm'n Reports 203 (2008). The staff has proposed that Senator Harman transfer those provisions to another estate planning bill that he is carrying this year, and there is a good chance that he will do so. That would allow those unobjectionable corrections to proceed this year, regardless of the delay of SB 105.

In addition, the staff proposed that one provision of the Donative Transfer Restriction proposal be treated in the same way. The provision is proposed Probate Code Section 13, which would provide guidance on the calculation of degrees of kinship. To the staff's knowledge, there is no opposition to that provision, which is severable from the main proposal and is independently useful.

Respectfully submitted,

Brian Hebert
Executive Secretary

Status of 2009 Commission Legislative Program

As of June 3, 2009

	Introduced Last Amended	ACR 49	AB 176	AB 1163		SB 105	SB 189				
		3/10/09	2/2/09	2/27/09		1/27/09	2/18/09				
		5/19/09	5/6/09	3/26/09							
First House	Policy Committee Fiscal Committee Passed House	5/12/09	3/17/09	4/21/09		5/5/09	2-Year Bill				
		5/27/09	—	—							
			3/23/09	4/27/09		5/14/09					
Second House	Policy Committee Fiscal Committee Passed House		6/9/09	6/9/09		2-Year Bill					
Concurrence											
Governor	Received Approved										
Secretary of State	Date Chapter #										

Bill List: ACR 49 (Evans): Resolution of Authority
 AB 176 (Silva): References to Recording Technology
 AB 1163 (Tran): Attorney-Client Privilege After Death of Client

SB 105 (Harman): Donative Transfer Restrictions, No Contest Clause: Conforming Revisions
 SB 189 (Lowenthal): Mechanics Lien Law

Also of Interest:

AB 457 (Monning): Mechanics Lien Law
 AB 724 (DeVore): Revocable TOD Deed

KEY

Italics: Future or speculative

“—”: Not applicable

*: Double referral, not fiscal

[date] : Deadline